

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MELISSA LEE ROTHERMEL, and	:	CIVIL ACTION NO. 1:16-CV-1669
C.R., minor, by her parent and natural	:	
guardian, CHAD ROTHERMEL,	:	(Chief Judge Conner)
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
DAUPHIN COUNTY,	:	
PENNSYLVANIA, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 28th day of September, 2018, upon consideration of defendants' motions (Docs. 61, 62) to dismiss the second amended complaint filed by plaintiffs Melissa Lee Rothermel ("M.L. Rothermel") and C.R., by her parent and natural guardian, Chad Rothermel, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 61) to dismiss filed by defendants Dauphin County, Dale Klein, in her official capacity as Dauphin County Clerk of Court ("Clerk Klein"), Nicholas Chimienti, Jr., in his official capacity as Sheriff of Dauphin County ("Sheriff Chimienti"), and Gus Brown, individually ("P.O. Brown"), is GRANTED in part and DENIED in part as follows:
 - a. Count I is DISMISSED against P.O. Brown;
 - b. Count III is DISMISSED against Sheriff Chimienti to the extent that the claim against Sheriff Chimienti is redundant of the claim against Dauphin County;
 - c. Count III is further DISMISSED to the extent that claim is brought by C.R.; and

- d. The motion (Doc. 61) is otherwise DENIED.
- 2. The motion (Doc. 62) to dismiss filed by defendants Tyree C. Blocker, in his official capacity as Commissioner of the Pennsylvania State Police (“Commissioner Blocker”), David Grbich, individually (“Trooper Grbich”), Matthew Miller, individually (“Trooper Miller”), and Randy L. Orlic, individually (“Trooper Orlic”), is GRANTED in part and DENIED in part as follows:
 - a. Count II is DISMISSED in its entirety;
 - b. Count IV is DISMISSED to the extent that claim is brought by C.R.; and
 - c. The motion (Doc. 62) is otherwise DENIED.
- 3. This matter shall proceed on the second amended complaint (Doc. 48) as follows:
 - a. Count I by M.L. Rothermel against Troopers Grbich, Miller, and Orlic;
 - b. Count III by M.L. Rothermel against Dauphin County and Clerk Klein;
 - c. Count IV by M.L. Rothermel against Commissioner Blocker; and
 - d. Count V by M.L. Rothermel against Dauphin County.
- 4. The stay imposed by the court’s order (Doc. 70) of December 29, 2017 is LIFTED. The parties shall meet and confer and, on or before **Friday, October 12, 2018**, jointly file a proposed amended case management schedule in accordance with the court’s trial term schedule as attached hereto.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania